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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-17 and 22-43_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-17 and 22-43_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _4_ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.   Claims 22-24 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter. In particular claims 22-24 are

directed to data per se.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   This application currently names joint inventors. In considering

patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the

subject matter of the various claims was commonly owned at the time any inventions

covered therein were made absent any evidence to the contrary. Applicant is advised

of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of

each claim that was not commonly owned at the time a later invention was made in

order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35

U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5.   **Claims 1-17 and 25-43 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Gustman [USP 6,353,831] (hereinafter Gustman [831] in view of

Gustman [USP 6,212,527] (hereinafter Gustman [527]).

Regarding to claim 1, Gustman [831] teaches a system for cataloguing, storing,

retrieving, and distributing multimedia data such as text, graphics, video, animation, and

sound (Col. 1, lines 9-16) and associates with the system of Gustman [527] for

cataloguing multimedia data (Gustman [831], Col. 9, lines 4-9). The Gustman [831]

system uses FTP as an example to transfer file over the network (Gustman [831], Col.

8, lines 35-41), thus a Gustman [831] audio file can be transfer to a gateway in a

network by using FTP. Gustman [831] further discloses *an audio database for storing*

audio segments (Gustman [831], Long Term Storage 260, Col. 8, lines 25-34). The

Gustman [831] system catalogues multimedia data by the Gustman [527] apparatus.

Gustman [527] teaches a catalogue as an audio package that disclosed in figure 18A of

Gustman [527]. A catalogue could be built by using a catalogue element that is referred

to as a phrase. A phrase is associated with a portion of multimedia data. A phrase has a

plurality of attributes some of which are attribute elements. An index is built on the

attributes and attribute elements. The index can be used to navigate through the

catalogue. Segment 204 is a container element. It can contain other elements. For

example, segment 204 can contain one or more instances of phrase 206 (Gustman

[527], Col. 8, lines 9-29). Thus, the phrase 206, the segment 204 and the index are

respectively considered as the audio segment, audio segment file and index file. The

Gustman [527] cataloguing system is applied to the Gustman [831] system as

cataloguing system 240 and catalogues multimedia data input received from transfer

system 246 (Gustman [831], Fig. 2, Col. 8, lines 53). This indicates the step of

accessing the audio database to build an audio package including an audio

segments file for storing an audio segment to be played by a gateway in the

network and an index file containing information usable by the gateway for

locating the audio segment in the audio segments file. Both Gustman [831] and

Gustman [527] fails to disclose ***the audio segments containing announcements to***

be played to an end user in a network. However, as discloses by Gustman [831],

multimedia data is in the form of text, graphics, video, animation, and sound (Gustman

[831], Col. 1, lines 12-14). Therefore, it would have been obvious for one of ordinary

skill in the art at the time the invention was made to modify the Gustman [831] and

Gustman [527] system by including an audio database of audio segments containing

announcements in order to catalogue audio file from an audio database.

Regarding to claim 2, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 1, Gustman [527] further discloses *the audio package includes a catalog file containing information describing the audio segment in the audio segments file* (Gustman [527], Attribute element, Col. 8, lines 14-24).

Regarding to claim 3, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 1, Gustman [527] further discloses the step of *selecting audio segments from the audio database to be included in the audio segments file based on selection received from a user* (Gustman [527], Col. 17, lines 46-61).

Regarding to claim 4, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 3, Gustman [831] further discloses *a graphical user interface configured to receive the selections from the user though a web browser* (Gustman [831], Col. 9, lines 33-43).

Regarding to claim 5, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 1, Gustman [831] further discloses *the means for exporting the audio package* (Gustman [831], Col. 5, lines 48-57), both of them fails to teach the destination of the audio package is *a plurality of gateways*. However, Gustman [831] teaches the distribution facility using the FTP for file transfer (Gustman

[831], Col. 8, lines 35-41), thus a Gustman [831] audio file can be transfer to a gateway. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Gustman [831] and Gustman [527] system by using packet-based network protocol to export an audio package to a plurality of gateways in order to transfer an audio file to a gateway in the network.

Regarding to claim 6, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 5, Gustman [831] further discloses *means for exporting the audio package over a packet-based network* (Gustman [831], Col. 8, lines 35-41).

Regarding to claim 7, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 5, Gustman [831] further discloses *the means for storing the audio package on a disk or memory storage medium* (Gustman [831], Col. 10, lines 48-54).

Regarding to claim 8, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 7, Gustman [831] further discloses *the means for transmitting the audio package to a client over a packet-based network and means for transmitting the audio package from the client to a plurality of gateways* (Gustman [831], Col. 8, lines 35-41).

Regarding to claim 9, Gustman [831] teaches a system for cataloguing, storing,

retrieving, and distributing multimedia data such as text, graphics, video, animation, and

sound (Col. 1, lines 9-16) and associates with the system of Gustman [527] for

cataloguing multimedia data (Gustman [831], Col. 9, lines 4-9). The Gustman [831]

system uses FTP as an example to transfer file over the network (Gustman [831], Col.

8, lines 35-41), thus a Gustman [831] audio file can be transfer to a gateway in a

network by using FTP. Gustman [831] further discloses *an audio database for storing*

audio segments (Gustman [831], Long Term Storage 260, Col. 8, lines 25-34). The

Gustman [831] system catalogues multimedia data by the Gustman [527] apparatus.

Gustman [527] teaches a catalogue as an audio package that is disclosed in figure 18A

of Gustman [527] and referring to FIG. 3A, a user can view the input data in area 310;

enter a description in area 312. By selecting button 320, the user can create an instance

of segment 204. Button 300 allows the user to create an instance phrase 206. Using

button 318, a user can delete an instance of segment 204 or phrase 206. By deleting an

instance of segment 204 that contains instances of phrase 206 a user can re-associate

the instances of phrase 204 with a remaining instance of segment 204. For example,

the user can select an instance of segment 204 (e.g., by selecting one of lines 372A-

372B of FIG. 3E) and selecting button 318. If the user selects segment 372B, for

example, the instances of phrase 206 associated with segment 372B are merged into

segment 372A. Similarly, to delete a phrase instance, the user can select an instance of

phrase 206 (e.g., displayed in lines 374A-374B of FIG. 3E) and select button 318. This

indicates the step of *selecting from the audio database, an audio segment to be*

played by a gateway and for building an audio package containing the audio

segment selected by the user. Both Gustman [831] and Gustman [527] fails to

disclose *the audio segments containing announcements to be played to an end*

user in a network. However, as discloses by Gustman [831], multimedia data is in the

form of text, graphics, video, animation, and sound (Gustman [831], Col. 1, lines 12-14).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the

invention was made to modify the Gustman [831] and Gustman [527] system by

including an audio database of audio segments containing announcements in order to

catalogue audio file from an audio database.

Regarding to claim 10, Gustman [831] and Gustman [527] teaches all the

claimed subject matters as discussed in claim 9, Gustman [831] further discloses the

step of *presenting a graphical user interface to the user over the network for*

receiving user selection (Gustman [831], Col. 9, lines 33-43).

Regarding to claim 11, Gustman [831] and Gustman [527] teaches all the

claimed subject matters as discussed in claim 10, Gustman [831] further discloses the

step of *presenting a graphical user interface through a web browser executing on*

a client computer (Gustman [831], Col. 9, lines 33-43).

Regarding to claim 12, Gustman [831] and Gustman [527] teaches all the

claimed subject matters as discussed in claim 9, Gustman [527] further discloses the

multimedia data catalogue is considered as an *audio package* that consists of one

catalogue element that is referred to as a phrase 206. A phrase is associated with a

portion of multimedia data that is considered as an *audio segment* and phrase is

contained in a segment 204 that is considered as an *audio segment file*. Phrase 206

has one or more attributes and/or attribute elements on which an index is built as the

index file. The index can be used to navigate through the catalogue (Gustman [527],

Col. 8, lines 9-29). Referring to FIG. 3A, a user can view the input data in area 310;

enter a description in area 312. By selecting button 320, the user can create an instance

of segment 204. Button 300 allows the user to create an instance phrase 206. Using

button 318, a user can delete an instance of segment 204 or phrase 206. By deleting an

instance of segment 204 that contains instances of phrase 206 a user can re-associate

the instances of phrase 204 with a remaining instance of segment 204. For example,

the user can select an instance of segment 204 (e.g., by selecting one of lines 372A-

372B of FIG. 3E) and selecting button 318. If the user selects segment 372B, for

example, the instances of phrase 206 associated with segment 372B are merged into

segment 372A. Similarly, to delete a phrase instance, the user can select an instance of

phrase 206 (e.g., displayed in lines 374A-374B of FIG. 3E) and select button 318. This

indicates the step of *audio package includes an audio segments file containing the*

audio segment selected by the user and an index file containing information

usable by gateways for locating audio the audio segment in the audio segment

file.

Regarding to claim 13, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 9, Gustman [527] further discloses the *audio package includes a catalog file containing descriptive information relating to the audio segment selected by the user* (Gustman [527], Attribute element, Col. 8, lines 14-24).

Regarding to claim 14, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 9, Gustman [831] further discloses *the means for exporting the audio package* (Gustman [831], Col. 5, lines 48-57), both of them fails to teach the destination of the audio package is *a plurality of gateways*. However, Gustman [831] teaches the distribution facility using the FTP for file transfer (Gustman [831], Col. 8, lines 35-41), thus a Gustman [831] audio file can be transfer to a gateway. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Gustman [831] and Gustman [527] system by using packet-based network protocol to export an audio package to a plurality of gateways in order to transfer an audio file to a gateway in the network.

Regarding to claim 15, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 14, Gustman [831] further discloses *means for exporting the audio package over a packet-based network* (Gustman [831], Col. 8, lines 35-41).

Regarding to claim 16, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 14, Gustman [831] further discloses *the means for storing the audio package on a disk or memory storage medium* (Gustman [831], Col. 10, lines 48-54).

Regarding to claim 17, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 14, Gustman [831] further discloses *the means for transmitting the audio package to a client over a packet-based network and means for transmitting the audio package from the client to a plurality of gateways* (Gustman [831], Col. 8, lines 35-41).

Regarding to claim 25, Gustman [831] teaches a method for cataloguing, storing, retrieving, and distributing multimedia data such as text, graphics, video, animation, and sound (Col. 1, lines 9-16) and associates with the method of Gustman [527] for cataloguing multimedia data (Gustman [831], Col. 9, lines 4-9). The Gustman [831] method uses FTP as an example to transfer file over the network (Gustman [831], Col. 8, lines 35-41), thus a Gustman [831] audio file can be transfer to a gateway in a network by using FTP. The Gustman [831] system catalogues multimedia data by the Gustman [527] apparatus. Gustman [527] teaches a catalogue as an audio package that is disclosed in figure 18A of Gustman [527] and referring to FIG. 3A, a user can view the input data in area 310; enter a description in area 312. By selecting button 320, the user can create an instance of segment 204. Button 300 allows the user to create

an instance phrase 206. Using button 318, a user can delete an instance of segment

204 or phrase 206. By deleting an instance of segment 204 that contains instances of

phrase 206 a user can re-associate the instances of phrase 204 with a remaining

instance of segment 204. For example, the user can select an instance of segment 204

(e.g., by selecting one of lines 372A-372B of FIG. 3E) and selecting button 318. If the

user selects segment 372B, for example, the instances of phrase 206 associated with

segment 372B are merged into segment 372A. Similarly, to delete a phrase instance,

the user can select an instance of phrase 206 (e.g., displayed in lines 374A-374B of

FIG. 3E) and select button 318. Gustman [831] teaches a distribution facility can be

used to transmit the data thus giving a user access to all of the data contained in the

digital library system despite the user's location (Gustman [831], Col. 12, lines 60-62).

This indicates the steps of *receiving a request from a user for selecting an audio*

segment; generating an audio package including the audio segment selected by

the user; and exporting the audio package to the gateway. Both Gustman [831] and

Gustman [527] fails to disclose *the audio segments containing announcements to*

be played by a gateway in a network. However, as discloses by Gustman [831],

multimedia data is in the form of text, graphics, video, animation, and sound (Gustman

[831], Col. 1, lines 12-14). Therefore, it would have been obvious for one of ordinary

skill in the art at the time the invention was made to modify the Gustman [831] and

Gustman [527] system by including an audio database of audio segments containing

announcements in order to catalogue audio file from an audio database.

Regarding to claim 26, Gustman [831] and Gustman [527] teaches all the

claimed subject matters as discussed in claim 25, Gustman [831] further discloses the

step of ***receiving a request generated by a web browser*** (Gustman [831], Col. 9,

lines 33-43).

Regarding to claim 27, Gustman [831] and Gustman [527] teaches all the

claimed subject matters as discussed in claim 25, Gustman [527] further discloses the

multimedia data catalogue is considered as an ***audio package*** that consists of one

catalogue element that is referred to as a phrase 206. A phrase is associated with a

portion of multimedia data that is considered as an ***audio segment*** and phrase is

contained in a segment 204 that is considered as an ***audio segment file***. Phrase 206

has one or more attributes and/or attribute elements on which an index is built as the

index file. The index can be used to navigate through the catalogue (Gustman [527],

Col. 8, lines 9-29). Referring to FIG. 3A, a user can view the input data in area 310;

enter a description in area 312. By selecting button 320, the user can create an instance

of segment 204. Button 300 allows the user to create an instance phrase 206 (Gustman

[527], Col. 17, lines 46-49). This indicates the step of ***audio package includes an***

audio segments file containing the audio segment selected by the user and an

index file containing information usable by gateways for locating audio the audio

segment in the audio segment file.

Regarding to claim 28, Gustman [831] and Gustman [527] teaches all the

claimed subject matters as discussed in claim 25, Gustman [527] further discloses the

audio package includes generating a catalog file containing descriptive

information regarding the audio segment selected by the user (Gustman [527],

Attribute element, Col. 8, lines 14-24).

Regarding to claim 29, Gustman [831] and Gustman [527] teaches all the

claimed subject matters as discussed in claim 25, but fails to disclose the step of

exporting the audio package to a plurality of gateways to ensure consistent

delivery of announcements by the gateways. However, Gustman [831] teaches the

distribution facility using the FTP for file transfer (Gustman [831], Col. 8, lines 35-41)

and packet-based communications protocol such as file transfer protocol is to ensure

consistent delivery of transferring file over the network. Therefore, it would have been

obvious for one of ordinary skill in the art at the time the invention was made to modify

the Gustman [831] and Gustman [527] method by using packet-based communications

protocol such as file transfer protocol to export the audio package to a plurality of

gateways to ensure consistent delivery of announcements by the gateway in order to

consistently upload an audio file over the network.

Regarding to claim 30, Gustman [831] teaches a method for cataloguing, storing,

retrieving, and distributing multimedia data such as text, graphics, video, animation, and

sound (Col. 1, lines 9-16) and associates with the method of Gustman [527] for

cataloguing multimedia data (Gustman [831], Col. 9, lines 4-9). The Gustman [831]

method uses FTP as an example to transfer file over the network (Gustman [831], Col.

8, lines 35-41), thus a Gustman [831] audio file can be transfer to a gateway in a

network by using FTP. Gustman [831] further discloses *storing, in an audio database,*

audio segments (Gustman [831], Long Term Storage 260, Col. 8, lines 25-34). The

Gustman [831] system catalogues multimedia data by the Gustman [527] apparatus.

Gustman [527] teaches a catalogue as an audio package that disclosed in figure 18A of

Gustman [527]. A catalogue could be built by using a catalogue element that is referred

to as a phrase. A phrase is associated with a portion of multimedia data. This indicates

the step of *generating an audio package including a subset of the audio segments*

in the audio database. Both Gustman [831] and Gustman [527] fails to disclose *the*

audio segments containing announcements to be played to an end user in a

network. However, as discloses by Gustman [831], multimedia data is in the form of

text, graphics, video, animation, and sound (Gustman [831], Col. 1, lines 12-14).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the

invention was made to modify the Gustman [831] and Gustman [527] system by

including an audio database of audio segments containing announcements in order to

catalogue audio file from an audio database.

Regarding to claim 31, Gustman [831] and Gustman [527] teaches all the

claimed subject matters as discussed in claim 30, Gustman [527] further discloses the

multimedia data catalogue is considered as an *audio package* that consists of one

catalogue element that is referred to as a phrase 206. A phrase is associated with a

portion of multimedia data that is considered as an *audio segment* and phrase is

contained in a segment 204 that is considered as an *audio segment file*. Phrase 206

has one or more attributes and/or attribute elements on which an index is built as the

index file. The index can be used to navigate through the catalogue (Gustman [527],

Col. 8, lines 9-29). Referring to FIG. 3A, a user can view the input data in area 310;

enter a description in area 312. By selecting button 320, the user can create an instance

of segment 204. Button 300 allows the user to create an instance phrase 206 (Gustman

[527], Col. 17, lines 46-49). This indicates the step of *audio package includes an*

audio segments file containing the audio segment selected by the user and an

index file containing information usable by gateways for locating audio the audio

segment in the audio segment file.

Regarding to claim 32, Gustman [831] and Gustman [527] teaches all the

claimed subject matters as discussed in claim 31, Gustman [527] further discloses the

audio package includes generating a catalog file including records containing

information describing the audio segment in the audio segment files (Gustman

[527], Attribute element, Col. 8, lines 14-24).

Regarding to claim 33, Gustman [831] and Gustman [527] teaches all the

claimed subject matters as discussed in claim 30, Gustman [831] further discloses *the*

means for exporting the audio package (Gustman [831], Col. 5, lines 48-57), both of

them fails to teach the destination of the audio package is *a plurality of gateways in the network*. However, Gustman [831] teaches the distribution facility using the FTP for file transfer (Gustman [831], Col. 8, lines 35-41), thus a Gustman [831] audio file can be transfer to a gateway in the network. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Gustman [831] and Gustman [527] system by using packet-based network protocol to export an audio package to a plurality of gateways in order to transfer an audio file to a gateway in the network.

Regarding to claim 34, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 33, Gustman [831] further discloses *transmitting the audio package over a packet-based network* (Gustman [831], Col. 8, lines 35-41).

Regarding to claim 35, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 33, Gustman [831] further discloses the step of *transmitting the audio package to a client computer and forwarding the audio package from the client computer to a plurality of gateways* (Gustman [831], Col. 8, lines 35-41).

Regarding to claim 36, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 30, Gustman [527] further discloses a

user can view the input data in area 310; enter a description in area 312. By selecting

button 320, the user can create an instance of segment 204. Button 300 allows the user

to create an instance phrase 206 (Gustman [527], Col. 17, lines 46-49). This indicates

the step of *receiving requests from a user the audio segments to be included in*

the audio package and wherein generating the audio package includes extracting

audio files from the audio database. Both of them fail to disclose the audio identifiers

indicative of audio segments. However, in the steps of request for data in the catalogue,

Gustman [831] teaches that the archive server maintains an identification of the location

of the multimedia data (Gustman [831], Col. 5, lines 4-9). This indicates the *audio*

identifiers indicative of audio segments. Therefore, it would have been obvious for

one of ordinary skill in the art at the time the invention was made to modify the Gustman

[831] and Gustman [527] method by creating audio identifiers to indicate audio

segments in order to search and retrieve an audio file.

Regarding to claim 37, Gustman [831] teaches a method for cataloguing, storing,

retrieving, and distributing multimedia data such as text, graphics, video, animation, and

sound (Col. 1, lines 9-16) and associates with the method of Gustman [527] for

cataloguing multimedia data (Gustman [831], Col. 9, lines 4-9). The Gustman [831]

method uses FTP as an example to transfer file over the network (Gustman [831], Col.

8, lines 35-41), thus a Gustman [831] audio file can be transfer to a gateway in a

network by using FTP. Gustman [831] further discloses an audio database that stores

audio segments (Gustman [831], Long Term Storage 260, Col. 8, lines 25-34) and in the

steps of request for data in the catalogue, Gustman [831] teaches that the archive

server maintains an identification of the location of the multimedia data (Gustman [831],

Col. 5, lines 4-9). This indicates the steps of *storing a first audio package definition*

in an audio database, the first audio package definition containing information

sufficient to allow creation of a first audio package containing audio to be played

a gateway. Referring to figure 3A, Gustman [527] teaches a method of creating a

catalogue as an audio package. Gustman [527] teaches that a user can view the input

data in area 310; enter a description in area 312. By selecting button 320, the user can

create an instance of segment 204. Button 300 allows the user to create an instance

phrase 206 (Gustman [527], Col. 17, lines 46-49). A distribution facility can be used to

transmit the data thus giving a user access to all of the data contained in the digital

library system despite the user's location (Gustman [831], Col. 5, lines 48-50). This

indicates the step of *in response to a first user request, accessing the audio*

database, locating the first audio package definition, creating the first audio

package based on the definition, and exporting the audio package from the audio

database. Therefore, it would have been obvious for one of ordinary skill in the art at

the time the invention was made to modify the Gustman [831] and Gustman [527]

method by storing an audio package definition in an audio database, creating and

exporting the audio package in order to transfer an audio file over the network.

Regarding to claim 38, Gustman [831] and Gustman [527] teaches all the

claimed subject matters as discussed in claim 37, but fails to disclose *a plurality of*

audio identifiers representing audio segments in the audio database. However, in

the steps of request for data in the catalogue, Gustman [831] teaches that the archive

server maintains an identification of the location of the multimedia data (Gustman [831],

Col. 5, lines 4-9). This indicates the audio identifiers. Therefore, it would have been

obvious for one of ordinary skill in the art at the time the invention was made to modify

the Gustman [831] and Gustman [527] method by creating audio identifiers to indicate

audio segments in order to search and retrieve an audio file.

Regarding to claim 39, Gustman [831] and Gustman [527] teaches all the

claimed subject matters as discussed in claim 37, Gustman [527] further discloses a

user can view the input data in area 310, enter a description in area 312. By selecting

button 320, the user can create an instance of segment 204. Button 300 allows the user

to create an instance phrase 206. Using button 318, a user can delete an instance of

segment 204 or phrase 206. By deleting an instance of segment 204 that contains

instances of phrase 206 a user can re-associate the instances of phrase 204 with a

remaining instance of segment 204. For example, the user can select an instance of

segment 204 (e.g., by selecting one of lines 372A-372B of FIG. 3E) and selecting button

318. If the user selects segment 372B, for example, the instances of phrase 206

associated with segment 372B are merged into segment 372A. Similarly, to delete a

phrase instance, the user can select an instance of phrase 206 (e.g., displayed in lines

374A-374B of FIG. 3E) and select button 318 (Gustman [527], Col. 17, lines 46-61). A

distribution facility can be used to transmit the data thus giving a user access to all of

the data contained in the digital library system despite the user's location (Gustman

[831], Col. 5, lines 48-50). This indicates the steps of *response to a second user*

request, locating the first audio package definition, modifying the first audio

package definition based on the second user request, creating a second audio

package based on the modified package definition, and exporting the second

audio package from the audio database.

Regarding to claim 40, Gustman [831] and Gustman [527] teaches all the

claimed subject matters as discussed in claim 39, Gustman [831] further discloses the

step of *storing the modified audio package definition in the audio database*

(Gustman [831], Col. 5, lines 4-9).

Regarding to claim 41, Gustman [831] teaches a catalogue that contains

multimedia data such as text, graphics, video, animation, and sound (Col. 1, lines 9-16)

and associates with the method of Gustman [527] for cataloguing multimedia data

(Gustman [831], Col. 9, lines 4-9). The Gustman [831] method uses FTP as an example

to transfer file over the network (Gustman [831], Col. 8, lines 35-41), thus a Gustman

[831] audio file can be transfer to a gateway in a network by using FTP. Gustman [527]

teaches a catalogue as an audio package that disclosed in figure 18A of Gustman [527].

A catalogue could be built by using a catalogue element that is referred to as a phrase.

A phrase is associated with a portion of multimedia data. A phrase has a plurality of

attributes some of which are attribute elements. An index is built on the attributes and

attribute elements. The index can be used to navigate through the catalogue. Segment

204 is a container element. It can contain other elements. For example, segment 204

can contain one or more instances of phrase 206 (Gustman [527], Col. 8, lines 9-29).

Thus, the phrase 206, the segment 204 and the index are considered as the audio

segment, audio segment file and index file respectively. Therefore, it would have been

obvious for one of ordinary skill in the art at the time the invention was made to modify

the Gustman [831] and Gustman [527] catalogue for building an audio package that has

an audio segment file and index file in order to transfer the audio file over the network.

Regarding to claim 42, Gustman [831] and Gustman [527] teaches all the

claimed subject matters as discussed in claim 41, Gustman [527] further discloses *a*

catalog file containing information describing the audio segment in the audio

segments file (Gustman [527], Attribute element, Col. 8, lines 14-24).

Regarding to claim 43, Gustman [831] and Gustman [527] teaches all the

claimed subject matters as discussed in claim 41, Gustman [527] further discloses *the*

index file contains information specifying the location of the audio segment in the

audio segments file (Gustman [527], Col. 8, lines 9-29).

6.   **Claims 22-24 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Gustman [USP 6,353,831].

Regarding to claim 22, Gustman teaches a data structure embodied in a computer readable medium for storing multimedia data as an audio segment containing an announcement to be played by a gateway in a network, the data structure comprises: a segment as *a first section for storing an audio segment* (Col. 14, lines 38-45). Gustman fails to teach a second section for storing information indicating the number of audio segments in the first section. However, Gustman discloses the phrase has the attribute elements as the second section. Thus, a count to indicate the number of audio segments in the first section can be added to the attribute elements. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Gustman structure by including information to indicate the number of audio segment in the first section in order to confirm the number of segment in an audio file.

Regarding to claim 23, Gustman teaches all the claimed subject matters as discussed in claim 22 but fails to disclose *a third section for storing check data for synchronizing the audio segment with a record in an index file usable by the gateway to locate the audio segment in the first section*. However, Gustman teaches a phrase has one or more attributes and attribute elements on which an index is built. Thus, the one or more attribute is considered as the third section for storing check data for synchronizing the audio segment with a record in an index file. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Gustman by including a third section for storing check

data for synchronizing the audio segment in order to retrieve an audio segment from an audio file.

Regarding to claim 24, Gustman teaches all the claimed subject matters as discussed in claim 22, but fails to disclose ***the first section includes a plurality of audio segments at locations corresponding to offset values in an index file usable by the gateway to locate the audio segments in the first section***. However, Gustman teaches the attribute elements that are attributes of a phrase include keyword and proposed keyword. An index is built on the attributes and attribute elements. The index can be used to navigate through the catalogue (Col. 14, lines 27-37). Thus, an index as an index file that taught by Gustman locating information stored in the index file by adding an offset amount to the base address of the index file. This indicates the audio segments at locations corresponding to offset values in an index file usable by the gateway to locate the audio segments. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Gustman structure by including the technique of using offset value to locate the audio segment in order to search and retrieve indexed information in an index file.
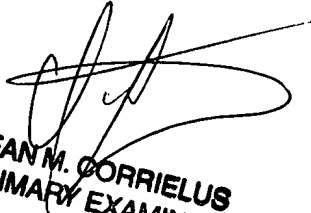

Conclusion

7.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Hung Pham whose telephone number is 703-605

4242. The examiner can normally be reached on Monday-Friday, 7:00 Am - 3:30 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, VU, KIM YEN can be reached on 703-305 4393. The fax phone numbers

for the organization where this application or proceeding is assigned are 703-746 7239

for regular communications and 703-746 7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305 3900.

                    Examiner: Hung Pham
                    April 20, 2002

                                        JEAN M. CORRIELUS
                                        PRIMARY EXAMINER